

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 12 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

HEALTH FREEDOM DEFENSE FUND,
INC., a Wyoming Not-for-Profit
Corporation; JEFFREY FUENTES;
SANDRA GARCIA; HOVHANNES
SAPONGHIAN; NORMA BRAMBILA;
CALIFORNIA EDUCATORS FOR
MEDICAL FREEDOM,

Plaintiffs-Appellants,

v.

ALBERTO CARVALHO, in his official
capacity as Superintendent of the Los
Angeles United School District; ILEANA
DAVALOS, in her official capacity as Chief
Human Resources Officer for the Los
Angeles School District; GEORGE
MCKENNA; MONICA GARCIA; SCOTT
SCHMERELSON; NICK MELVOIN;
JACKIE GOLDBERG; KELLY GONEZ;
TANYA ORTIZ FRANKLIN, in their
official capacities as members of the Los
Angeles Unified School District governing
board,

Defendants-Appellees.

No. 22-55908

D.C. No.
2:21-cv-08688-DSF-PVC
Central District of California,
Los Angeles

ORDER

One or more judges on the en banc court have requested briefing on the
following issue:

1. Whether *Belanger v. Madera Unified Sch. Dist.*, 963 F.2d 248, 254 (9th
Cir. 1992), and *Sato v. Orange Cnty. Dep't of Educ.*, 861 F.3d 923, 934

(9th Cir. 2017), remain good law to the extent that they hold that California school districts enjoy sovereign immunity under the Eleventh Amendment or whether those cases should instead be overruled.

The parties are ordered to file supplemental briefs, not to exceed 15 pages or 4,200 words, no later than February 28, 2025.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT